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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,802	12/21/2001	Toshiaki Fujii	KAW 98-2018-C	5368

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EXAMINER

KEENAN, JAMES W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,802

Applicant(s)

FUJII ET AL.

Examiner

James Keenan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2003 and 30 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The "cross reference to related application" section of the specification should be amended to indicate that the parent U.S. application 09/180,848 is itself a national stage entry (371) of PCT application JP97/04372.

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The abstract of the disclosure is objected to because in line 3, "article like wafer" is unclear. Correction is required. See MPEP § 608.01(b).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, lines 2-3, the recitation that the loader is "for transporting a[n] ... article between an inside of a container ... and the high cleanliness room" is not understood; the loader has no such functionality disclosed;

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lines 9-10, it is not clear what is meant by "when the container approaches the door";

and line 11, "being unified" is not clear.

In claim 12, "being unified" is not clear.

In claim 15, "to approach to the door" is awkward.

In claim 16, line 1, "the ... article" lacks antecedent basis;

lines 2-3, it is not clear whether the container or the loader is "provided with an opening portion" and "disposed in a ... room";

and line 8, "is unified with the door" is an improper positive recitation of an element which is only inferentially set forth in the preamble as an *intended use* limitation.

Claim 24 is similarly indefinite.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonora et al (US 5,895,191, cited by applicant).

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As noted in parent application 09/180,848, Bonora et al show a container for transporting articles as claimed, wherein the container is mounted on a loader which is disposed in a high cleanliness room rather than a low cleanliness room. However, claims 16-21 are directed only to the subcombination container; the loader is merely an intended use limitation. Therefore, since the container of Bonora et al could be used with a loader in a low cleanliness room without modification, it is considered a proper anticipatory reference.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al.

Bonora et al do not disclose the container cover to include a protrusion into which a pin is inserted for unifying the cover with the door of the loader. However, it is disclosed that any known means for holding the doors together can be used, including latches, vacuum, or friction.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Bonora et al by utilizing a protrusion on the cover into which a pin would be inserted for unifying the cover with the door of the

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loader, as the examiner takes Official Notice that such structure is simply a well known means of holding doors together in this art.

Re claim 23, again, the examiner takes Official Notice that the use of an air cleaning device is simply a well known and art recognized design expediency to reduce contamination.

10. Claims 9, 11-15, 24-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al in view of Iwai et al (US 5,829,939, cited by applicant).

As noted previously, Bonora et al show the invention essentially as claimed, including stage 116, door 110, opening portion 100, unifying means (col. 6, lines 57-60), and a driving apparatus (also see fig. 15).

As also noted previously, Bonora et al do not show the loader in the low cleanliness side of the border.

As further noted previously, Iwai et al show in figures 19 and 24 alternate embodiments of loader assemblies wherein the loader may be disposed in either the low or high cleanliness side of a border between low and high cleanliness rooms.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Bonora et al by disposing the loader in the low rather than high cleanliness room, as suggested by Iwai et al, as this is specifically shown as an alternate equivalent and would help prevent contamination.

Re claim 11, the use of a cover for the loader is considered a mere design expediency for safety, cleanliness, etc.

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Re claim 14, as noted above, the use of pins and corresponding holes to hold the cover and door together is considered obvious. To have utilized a driving mechanism to simultaneously move two pins is simply a further design expediency.

Re claim 24, the modified apparatus of Bonora et al is inherently considered to have a "gap between the door and the opening portion", as broadly claimed, at least during the time of movement therebetween.

Re claim 29, note robot 152 in figs. 10-14 of Bonora et al for transferring the article.

11. Claims 9, 11-17, 19-20, and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastroianni (US 6,068,668, cited by applicant) in view of Iwai et al.

As noted in the parent application, Mastroianni shows the invention essentially as claimed except that the loader is disposed in the high cleanliness room.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Mastroianni by disposing the loader in the low cleanliness room, as shown by Iwai et al, as this is specifically shown as an alternate equivalent to disposing the loader in the high cleanliness room, and would help prevent contamination.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al or Mastroianni in view of Iwai et al, as applied to claim 9 above, and further in view of Bonora et al (US 5,169,272).

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Although the base references can be considered to disclose a "gap" at least part of the time, as noted above, they do not explicitly state that the high cleanliness room has a pressure higher than that of the low pressure room.

Bonora et al 272 shows an opening between low and high cleanliness rooms, wherein pressure P2 in the high cleanliness room can be higher than that in the adjoining low cleanliness room. The reference also discloses a non-contact seal 92 having a gap (see esp. fig. 4) between the door of the loader and the opening portion. These features help prevent dust from entering the high cleanliness room.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the apparatus shown by Bonora et al or Mastroianni by pressurizing the high cleanliness room and utilizing a gap between the opening portion and the door, as shown by Bonora et al 272, as this would simply be an art recognized means of reducing contamination in the high cleanliness room.

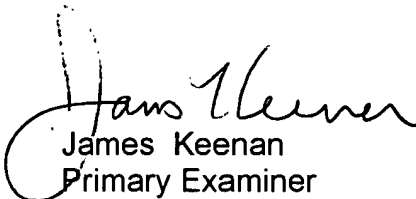
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 703-308-2559.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


James Keenan
Primary Examiner
Art Unit 3652

jwk
9/30/03